

United States Bankruptcy Court

District of Massachusetts  
Eastern Division

In re UPPER CRUST, LLC, ET. AL.

Debtors

MARK G. DEGIACOMO  
CHAPTER 7 TRUSTEE OF THE UPPER CRUST,  
LLC, ET AL.

Plaintiff

JORDAN TOBINS and STEFANY TOBINS

Defendants

Case No.  
12-18134-HJB

Chapter  
7

Adv. Proc. No.  
14-01163

**NOTICE OF APPEAL AND STATEMENT OF ELECTION<sup>1</sup>**

**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s):

JORDAN TOBINS and STEFANY TOBINS

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☒ Defendant

☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Debtor

☐ Creditor

☐ Trustee

☐ Other (describe) \_\_\_\_\_

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: SUMMARY JUDGMENT

2. State the date on which the judgment, order, or decree was entered: JULY 20, 2016

<sup>1</sup> Tobins' had previously filed a Notice of Appeal on August 1, 2016. Tobins' file this supplemental notice to comply with local rule.

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: MARK DEGIACOMO, TRUSTEE Attorney: RYAN MCDONALD  
MURTHA CULLINA, LLP  
99 HIGH STREET  
BOSTON, MA 02110  
(617) 210-7007
2. Party: JORDAN and STEFANY TOBINS Attorney: RICHARD BRIANSKY  
MCCARTER & ENGLISH, LLP  
265 FRANKLIN STREET  
BOSTON, MA 02110  
(617) 449-6568

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- ☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

/s/ Richard Briansky

Date: AUGUST 3, 2016

Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney (or appellant(s) if not represented by an attorney):

RICHARD BRIANSKY  
MCCARTER & ENGLISH, LLP  
265 FRANKLIN STREET  
BOSTON, MA 02110  
(617) 449-6568

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.